

***United States Court of Appeals
for the Second Circuit***



APPELLEE'S BRIEF

ORIGINAL **75-7290**

United States Court of Appeals
FOR THE SECOND CIRCUIT

ACLI INTERNATIONAL, INC., *Plaintiff-Appellant,*
against

SS "CAMPECHE", her engines, boilers, etc., TRANSPORTACION
MARITIMA MEXICANA, S. A., dba MEXICAN LINE.
Defendants-Appellees,

TRANSPORTACION MARITIMA MEXICANA, S. A.,
Defendant and Third-Party
Plaintiff-Appellee and Cross-Appellant,
against

PITTSTON STEVEDORING CORPORATION,
Third-Party Defendant-Cross-Appellee
73 297 HRT

ACLI INTERNATIONAL, INC., *Plaintiff-Appellant,*
against

TRANSPORTACION MARITIMA MEXICANA, S. A., dba MEXICAN
LINE and SMITH AND JOHNSON (SHIPPING) INC.,
Defendants-Appellees,

TRANSPORTACION MARITIMA MEXICANA, S. A.,
Defendant and Third-Party
Plaintiff-Appellee and Cross-Appellant,
against

PITTSTON STEVEDORING CORPORATION,
Third-Party Defendant-Cross-Appellee
73 Civ. 5341 HRT

**BRIEF FOR THIRD-PARTY DEFENDANT-CROSS-
APPELLEE PITTSTON STEVEDORING CORPORATION**

BIGHAM ENGLAR JONES & HOUSTON
*Attorneys for Third-Party Defendant-
Cross-Appellee,*
99 John Street
New York, N.Y. 10038

JAMES S. McMAHON
NICHOLAS CAMERA
Of Counsel

TABLE OF CONTENTS

	PAGE
Issues Presented	1
The Facts	1
POINT I—There was substantial credible evidence to support the essential findings of fact made by the District Court	1
POINT II—The District Court made no finding of fault on the part of Pittston	2
Conclusion	2

**BRIEF FOR THIRD-PARTY DEFENDANT-CROSS-
APPELLEE PITTSTON STEVEDORING CORPORATION**

Issues Presented

Whether there is evidence in the record to support the findings made by Judge Tyler.

The Facts

The brief of defendant and third-party plaintiff Mexican Line amply sets forth the facts of the case, and they are adopted herewith as Pittston's statement of facts.

POINT I

There was substantial credible evidence to support the essential findings of fact made by the District Court.

Third-party defendant, Pittston, adopts the arguments and authorities cited in Point I of the brief submitted by defendant and third-party plaintiff Mexican Line. The authorities and record citations set forth in the mentioned brief clearly indicate that there was ample and complete support in the record for the essential findings of Judge Tyler.

POINT II

The District Court made no finding of fault on the part of Pittston.

A review of the opinion of Judge Tyler (50) discloses that he made no specific finding of fault on the part of Pittston Stevedoring Corp. Accordingly, since the trier of the facts had found Pittston blameless, there would be no basis for this Court to hold otherwise unless Judge Tyler's finding on this issue is clearly erroneous. It is respectfully submitted that the record is devoid of any evidence which would indicate that Judge Tyler was clearly in error in this regard.

CONCLUSION

The judgment of the District Court should be, in all respects, affirmed.

Respectfully submitted,

BIGHAM ENGLAR JONES & HOUSTON
*Attorneys for Third-Party Defendant-
Cross-Appellee*

JAMES S. McMAHON
NICHOLAS CAMERA
Of Counsel

Due and timely service of *Two* copies
of the within *BRIEF* is hereby
admitted this *3rd* day of *OCTOBER 1975*

.....
Attorneys for APPELLATE AND
CROSS APPELLANT

ATTORNEYS FOR PLAINTIFF-APPELLANT

COPY RECEIVED

OCT 3 1975

WILKINS, CARP, LOESBEIG & O'BRIEN

3:25 PM
Laurel H. Hargrave
mjt:alt

*Copies rec'd
10/3/75
Haight Hardin Post-Harmon
Bly*